

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT**

JANET JENKINS,

Plaintiff,

v.

KENNETH L. MILLER, *et al.*,

Defendants.

No. 2:12-cv-184-WKS

**PLAINTIFF’S MOTION TO LIFT STAYS AND
FOR ORDER DIRECTING THE PARTIES TO PROPOSE A JOINT MODIFIED
DISCOVERY SCHEDULE/ORDER**

Plaintiff Janet Jenkins respectfully moves to lift the stays of this case, entered on April 16, 2021, ECF 686, and April 30, 2021, ECF 695, and for an order directing the parties to propose a joint modified discovery schedule/order. In support of this motion, Plaintiff states the following:

1. On April 16, 2021, the Court stayed this case against Defendant Lisa Miller. ECF 686. On April 30, 2021, the Court stayed the remainder of this case against the other defendants “pending the resolution of Lisa Miller’s criminal case.” ECF 695.
2. On February 16, 2022, Lisa Miller pleaded guilty to international parental kidnapping in violation of 18 U.S.C. §§ 2 and 1204. *See* Minute Entry, *United States v. Lisa Miller*, No. 1:14-cr-175 (W.D.N.Y.), ECF 318. Lisa Miller was sentenced on May 24, 2022, *see* Minute Entry, *Lisa Miller*, No. 1:14-cr-175, ECF 332, and released from incarceration that same day.
3. On May 26, 2022, Plaintiff moved to stay discovery pending the parties’ planned mediation. ECF 700. On June 10, 2022, the Court denied Plaintiff’s motion as moot, noting that the case remained stayed until further order of the Court. ECF 702.

4. Mediation and subsequent negotiations have yielded a settlement agreement between Plaintiff and Lisa Miller, resulting in a joint stipulation of Lisa Miller's dismissal from this case.

5. No settlement negotiations with other defendants are currently ongoing.

6. Therefore, Plaintiff respectfully requests that the Court lift the stays.

7. Plaintiff also respectfully requests that the Court order the parties to propose a joint modified discovery schedule/order or competing proposals on any areas of disagreement, on or before 30 days after the stays lift, and that the Court schedule a scheduling conference to resolve any disputes that might arise regarding the proposed joint modified discovery schedule/order.

8. Pursuant to the Court's Rule 7(a)(7), Plaintiff certifies that she made a good faith attempt to obtain Defendants' agreement to the requested relief. On March 23, 2023, Plaintiff emailed Defendants' counsel, seeking their positions on this motion within 24 hours. Plaintiff received responses from Defendants Liberty Counsel, Rena Lindevaldsen, Response Unlimited, Inc., Victoria Hyden, Philip Zodhiates, and Linda Wall, all of whom indicated that they do not oppose this motion. As of 4:00pm Eastern on March 24, 2023, Plaintiff has not received a response from Defendant Timothy Miller. Defendant Kenneth Miller is currently unrepresented. *See* ECF 704. Plaintiff attempted to get an email address for Defendant Kenneth Miller from his former counsel so that Plaintiff could seek his position on this motion, but Plaintiff has been unable to communicate with Mr. Miller as of the filing of this motion.

CONCLUSION

Plaintiff respectfully requests that the Court lift the stays of this case and order the parties to propose a joint modified discovery schedule/order or provide the Court with their respective positions on any disputed issues regarding the proposed discovery schedule/order.

Respectfully submitted.

March 24, 2023

/s/ Frank H. Langrock

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